

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

CASE Number: 15-1315  
District Case Number 1-13-cv-00337-GMS  
Ahmed Amr vs Greenberg Traurig  
In re: Syntax-Brilliant

**Motion for Intervention in Case Number 15-1315**

My name is Denise Warren. I am 59 year old retired nurse on disability. I am a resident of the state of Washington. I believe this is the right jurisdiction to have some kind of hearing on the nature of my grievance. I would like to inform the District Court about what happened to me and why my grievance must be addressed by the Court of Appeals and in this jurisdiction as it is the only court that is likely to hear and understand my grievance.

I would like the Court of Appeals to be aware that I am incompetent to represent myself and I want this court to note that there are 30,000 other investors who were defrauded by Syntax-Brilliant in the same way I was defrauded. The vast majority of them are also incompetent to represent themselves and have been misinformed about the Syntax-Brilliant proceedings and have not been noticed on the appeal before the court (case number 15-1315). I want us all to be treated equally because Syntax-Brilliant only issued one class of stock. The Appellant also had the same class of stock. And we all want to be treated like the Appellant.

The Court of Appeals shall note that I did not get Notice of this hearing even though I stand to lose my life savings in perpetuity if my grievance is not heard and acted upon by this court. I only found about it from Ahmed Amr because he is my ex-husband and he wanted to protect my right to due process.

I hope that what I am about to write will convince the Court of Appeals to take my unrepresented interests into consideration when making your decisions. I am asking the Court of Appeals to give me the protection of this jurisdiction in the same manner they would protect an unrepresented defrauded orphan in an inheritance case. The Court of Appeals must treat me as a ward of the court because some of the investors who lost their money were minors. The money was not only stolen from the retirement and savings accounts of innocent adults but also from the college trust fund account of minors.

I will make this a very simple decision for the Court of Appeals. I was a shareholder in Syntax-Brilliant who was defrauded and was never informed that I was defrauded. I was never informed of the manner in which I was defrauded and have never been represented in the underlying Bankruptcy Proceedings. If I had been represented, it is now certain that I would have recovered some of my stolen retirement money like Ahmed Amr who was better informed and represented himself Pro Se.

It is now certain that Greenberg Traurig and Nancy Mitchell conspired with others to keep me uninformed about the pre-petition fraud that plagued Syntax-Brilliant from the day it was founded to the day it filed the bankruptcy. It is now certain that Greenberg Traurig conspired with others to keep me uninformed about developments in the case. In the seven long years since Syntax-Brilliant filed for Chapter 11, I have not once been noticed about the massive pre-petition fraud that was discovered in the course of the Syntax-Brilliant bankruptcy proceedings and in the course of a formal SEC formal investigation. The disclosure statement I got was inadequate and was meant to confuse me and did not include the pertinent details about the nature and the scale of the pre-petition bankruptcy fraud.

The orchestrator of the Syntax-Brilliant scheme to defraud investors was a man named James Li and his lawyers were Greenberg Traurig and Nancy Mitchell. I do not know where James Li resides but he is somewhere in China. As the appellant's brief clearly demonstrates, James Li and others conspired to defraud me and then conspired to cover up their fraud by having their counsel file a bad faith Chapter 11 bankruptcy petition that had the clear intent of covering up their client's pre-petition fraud. In this instance, the client was nominally Syntax-Brilliant but turned out to be a white collar crime syndicate operating out of Hong Kong and Taiwan.

The SEC EVIDENCE identified in the Appellant's Brief clearly demonstrates that I was defrauded by a very sophisticated scheme that included false SEC filings, insider trading, illicit conveyance of hundreds of millions of dollars to related parties in Hong Kong and Taiwan, forgery of shipping documents and embezzlement. I barely understand the manner in which I was defrauded and most of the shareholders would likely be just as confounded by how they were defrauded. Fortunately, I know I was defrauded but the vast majority of shareholders don't even know that their money was stolen. That's how sophisticated this scheme was.

Reading the Appellant's brief makes my skin crawl. It also raises a lot of questions that I hope the Court of Appeals will address. Why does the Appellant know this information in the brief and how did he get to know it? Who else knew this information and when did they know it and what did they do about it? Why wasn't I notified there was evidence of massive pre-petition fraud by Greenberg Traurig, the Liquidation Trustee or the SEC?

The Court of Appeals must take measures so that all parties that failed to inform me and notice me that I was a victim of this monstrous crime be obliged to notice not only me but also the other 30,000 defrauded shareholders. Shareholders were and are entitled to know what happened to their money pre-petition and how their due process was violated in the Syntax-Brilliant Bankruptcy Proceedings.

Because this is such a sophisticated crime, this notice must be in plain English so that an ordinary woman can understand it. The Notice must make certain to inform shareholders of their legal options and it must be worded in such a manner that it will be accepted by the IRS as a proof of theft.

As the Appellant's brief demonstrates, Appellant managed to gain consideration for his claim and was not bound by the Absolute Priority Rule. It appears that Appellant managed to win consideration because he knew about the pre-petition fraud and the fraud on the court. Two sets of evidence are before the Court of Appeal. You have the SEC Evidence from the United States District Court of Arizona saying Syntax-Brilliant was an egregious fraud and evidence from the Bankruptcy Court in Delaware that Syntax-Brilliant was, to quote Nancy Mitchell, "a good business" with a "bad plan that didn't work." Those two sets of evidence are irreconcilable. I want the Court of Appeals to make a finding of facts and to find that the only evidence the Court of Appeals will consider is the SEC Evidence.

The Court of Appeals must then make a legal determination of how two similarly situated shareholders came before the Bankruptcy Court in Delaware with two similar claims and ended up with two different rulings on their claims based on two sets of evidence?

One answer is that Ahmed Amr was able to defend his claim based on the SEC Evidence. In considering my unrepresented interests in the Syntax-Brilliant Bankruptcy Court proceedings, the Bankruptcy Court appears to have made its rulings on GT and Nancy Mitchell's tainted evidence. The second answer is that Ahmed Amr was represented Pro Se and I had no representation and the other defrauded investors were also unrepresented.

As the Appellant's brief demonstrates, when Syntax-Brilliant filed for bankruptcy, they told uninformed shareholders that their shares were worthless and that there would barely be enough money to cover the secured creditors, Silver Point and Citibank. Silver Point is run by two ex-Goldman Sachs money managers who have special expertise in distressed Asian securities. Silver Point's counsel represented its own interests and the interests of Citibank in the proceedings. Silver Point is no stranger to bankruptcy court proceedings and is known for throwing elbows in bankruptcy cases.

Greenberg Traurig filed the bankruptcy petition on July 8, 2008 and the First Day's Hearing was held the very next day on July 9, 2008. Greenberg Traurig represented the debtors at the hearing, Weil Represented Silver Point and Citibank, Another law firm represented TCV, a shady outfit from Taiwan that is related to the former officers and directors of the company and was the designated buyer. I was not represented at the hearing and neither was any other shareholder. Shareholders were not even given notice of the First Day's Hearing.

As the Appellant's brief demonstrates, during the First Day's hearing, GT entered evidence that the debtors were a good company that had a bad business plan and informed the court that they had an untainted buyer and needed an immediate close on the transaction to keep the business going. The BK Court accepted the "good company/bad plan" narrative as evidence. I was not in court to challenge GT's false assertions and there was no other party in Court representing my interests who could have challenged GT's false assertions.

Just Like me, the vast majority of shareholders did not know that false assertions had been made by GT and Mitchell on July 9, 2008 or that false schedules and affidavit had been filed by GT and Mitchell on July 8, 2009. The Bankruptcy Court accepted GT's misrepresentations as evidence. As a consequence, the Bankruptcy Court denied me and other shareholders representation. I remain unrepresented in the bankruptcy proceedings and that lack of representation has led me to the Court of Appeal where I also appear without representation. I am not alone. 30,000 shareholders are also unrepresented in the issues before the court. They have not been properly noticed on the Appellant's brief and they are not aware that the outcome of the instant Appeal before the Court can impair their interests and further diminish their rights to due process.

Seven years after GT and Nancy Mitchell filed the Syntax-Brilliant Chapter 11 Petition, I found out that another shareholder, Ahmed Amr, managed to recover some of his losses. I also found out that Greenberg Traurig had been involved in misconduct and had deprived me of my due process right to recover some or all my stolen retirement funds.

I know that Ahmed Amr has filed a sanctions motion against Greenberg Traurig for misconduct and has taken the fight to the Third Circuit Court of Appeals. The Court of Appeals must take my interests into consideration in deciding on Ahmed Amr's appeal.

Throughout this agonizing seven year process, all the way to the Third Circuit Court, I have not been represented at all and have never been noticed on pre-petition or post-petition fraud. And yet, a shareholder with an ordinary man's understanding of the law, representing himself Pro Se, managed to recover some of his losses and is now sanctioning Greenberg Traurig for misconduct and fraud on the court. I have been harmed just as much as Ahmed Amr and I want a fair awards solution in this case.

Ahmed Amr also informs me that I had a right to representation by an equity committee but that Greenberg Traurig opposed it and the US Trustee declined to motion the Court for the appointment of an equity committee. The US Trustee made his decision to not motion for an equities committee based on GT's misrepresentations about the size of the unsecured creditor claims. Mr. Ahmed Amr informs me that he believes that, at all times, the US Trustee's Office acted on the information before them at the time and that all shareholders owe Mark Kenney a great deal of appreciation for his attempts to safeguard the due process rights of shareholders and the integrity of the Bankruptcy Proceedings. But the US Trustee's office never represented shareholders in the proceedings because that's not in their job description. It was the SEC that was supposed to intervene on behalf of the investors.

Had it not been for the intervention of the US Trustee's Office, no examiner would have been hired and the fraud would have gone undiscovered. The US Trustee asked for the examiner to be retained. The US Trustee asked for the case to be converted. The US Trustee attempted to prevent the illicit conveyance of \$3.5 million to Digimedia at the First Day's Hearing. Digimedia later turned out to be a party related to James Li. The CEO of Digimedia was related to James Li by marriage. So the US Trustee has often acted on his instincts to protect the due process rights of shareholders and I am certain that all shareholders are grateful for his intervention. And to the extent that the US Trustee, given his limited mandate, has ways that he can intervene again at this stage based on the SEC Evidence, I fully expect that he will intervene.

Ahmed Amr also informs me that the SEC should have intervened in the case because the absolute priority rule does not apply when the creditor and the unsecured creditors and their counsel engage in misconduct. Ahmed Amr also informs me that he sanctioned a SEC Lawyer, Alan Maza, for his failure to get involved in the Syntax-Brilliant Bankruptcy Proceedings and the SEC refused to get involved even though they were aware that I was unrepresented in the Bankruptcy Proceedings and that there had been massive egregious pre-petition fraud that shareholders had not been informed of.

My question is – did the SEC abandon their duty and abuse their discretion and violate my due process by failing to inform me that I was a victim of a very sophisticated overseas crime ring? Did the SEC inform the Justice department that I was a victim of for fraud, embezzlement, illicit conveyance, forgery, filing false SEC documents, bankruptcy fraud or conspiracy? Is there a way for the Court of Appeals to compel the SEC and the Justice Department to intervene to protect the unrepresented misinformed investors who were victims of the Syntax-Brilliant scheme to defraud investors?

The SEC did get involved in the District of Arizona and managed to get orders for recoveries in the amount of nearly \$60 million from James Li and others. But they have failed to collect even enough money to inform investors that they have been defrauded.

Ahmed Amr also informs me that there was a conspiracy to deny me my due process by Greenberg Traurig, FTI, Silver Point, Citibank and others. Ahmed Amr also informs me that the evidence used to deprive me of my due process has already been proven to be tainted after a formal investigation by the SEC.

Here is the problem. Ahmed Amr and I are similarly situated shareholders. Why did one shareholder manage to get recovery while another shareholder gets denied any recovery? Because 1) Because Ahmed Amr was well informed about the pre-petition fraud and in fact had done the initial forensic analysis that led to uncovering the fraud and 2) because Ahmed Amr was involved in the Bankruptcy Proceedings and knew that GT and others had made misrepresentations before the Bankruptcy Court and 3) Ahmed Amr had representation. He represented himself Pro se.

Ahmed Amr did not only get financial consideration for his claim. Ahmed Amr also got a letter from the Liquidation Trustee admitting to the pre-petition fraud and he reserved the right to sanction GT. That letter gives Ahmed Amr certain tax advantages that is of value to all swindled shareholders.

In the course of the Syntax-Brilliant Bankruptcy Proceedings, the Bankruptcy Court ordered a disbursement to one shareholder casting aside the Absolute Priority Rule. In the same Bankruptcy Proceedings, the Absolute Priority Rule was applied to other shareholders, including me. On no discernible legal ground articulated by the Bankruptcy Court, the Absolute Priority Rule was selectively applied by the Bankruptcy Court.

Had I been represented in the proceedings like Mr. Ahmed Amr and had I known as much about the law and the developments in Syntax-Brilliant proceedings, I too would have recovered some of my losses like Ahmed Amr. But I was not competent or well informed enough to represent myself. And, unlike Ahmed Amr, I was not going to spend seven years of my life fighting Greenberg Traurig, FTI, Silver Point, Citibank and a gang of white collar criminals from Hong Kong and Taiwan. Besides, it was my understanding that in a case like Syntax-Brilliant, where the SEC and the Justice Department are informed on all aspects of the case including the scale of the pre-petition fraud and the post-petition fraud, that the Justice Department and SEC will forcefully intervene to make certain that my due process rights were not violated.

I am informed by Ahmed Amr that he and others constantly reminded the Bankruptcy Court and all attorneys noticed on the case that an incompetent misinformed constituency, the shareholders, was not properly represented in the Syntax-Brilliant Bankruptcy Proceedings. Any competent attorney would have understood that I was entitled to relief under Sarbanes-Oxley and that the Absolute Priority Rule does not apply when there has been misconduct by the secured lenders, Silver Point and Citibank.

As of now, given the misconduct of Citibank, Silver Point, FTI and Greenberg Traurig, shareholders have iron clad meritorious claims and causes of action against every party that failed to inform shareholders that they were victims of a very sophisticated scheme to defraud us.

The Justice Department and the Securities and Exchange Commission are now fully informed that my due process rights were violated in the Syntax-Brilliant Bankruptcy Proceedings as they will be properly noticed by me. Ahmed Amr tells me that he went to the expense of sanctioning a SEC lawyer for its failure to intervene. That SEC lawyer assigned to the Syntax-Brilliant bankruptcy case was Alan Maza. He is an expert on intersection of Bankruptcy Code and Sarbanes-Oxley.

In the Syntax-Brilliant case we have the SEC launching a formal investigation, presenting the SEC evidence in the District of Arizona and withholding the SEC Evidence from unrepresented shareholders involved in the Syntax-Brilliant Bankruptcy Case in the District of Delaware. The SEC got a little good PR by intervening in the District of Arizona but have failed to collect. After three years, they have collected less than \$100,000 on a \$60 million judgment. Part of the mission of the SEC is to pursue all causes of action that are likely to result in restitutions for defrauded shareholders. That obviously didn't happen here. In fact, the SEC has not even informed investors that they have been defrauded. The real opportunity for restitution was always the Bankruptcy Court of Delaware where the SEC was obstinate in its refusal to intervene.

In a negotiated settlement between GT and the Liquidation Trustee, GT was forced to pay the Liquidation Trustee \$3.3 million for their pre-petition misconduct. I was not noticed and I was unrepresented in court and had no knowledge of GT's pre-petition and post-petition misconduct and I was not involved in negotiating that settlement.

I was also not involved in negotiating or even voting on the plan, because GT made representations in the Disclosure Statement that I was in a class of shareholders who were disqualified from voting on the Plan because we had no claim on the estate. Even as GT was covering up the track of the pre-petition fraud, they filed self-serving motions at the expense of the estate to impair my claims against the estate and to make certain that I would continue to be unrepresented and uninformed of the GT's pre-petition misconduct and GT's post-petition misconduct. GT opposed the appointment of an examiner and managed to convince the Bankruptcy Court to dismiss him before he had conducted depositions. They then retaliated against the independent examiner by filing motions to prevent him from collecting his modest fees.

The only reason I am now aware of what happened to me is because I know Ahmed Amr and I am his ex-wife. I can assure the Court that the other 30,000 misinformed unrepresented shareholders are not now and have never been married to Ahmed Amr. If I did not know Ahmed Amr and if he had not informed me of his Appeal, I would know nothing like the other unrepresented uninformed shareholders.

I know that Ahmed Amr has gone to great lengths to alert the Bankruptcy Court, The SEC that the due process rights of misinformed unrepresented shareholders were being violated. I know that he went to great lengths to conduct the forensic analysis that led to the appointment of an Examiner. I know that he sued the SEC to get them involved. It makes my blood boil to know that the SEC not only stood by and watched the Bankruptcy Court mutilate my rights to due process, they vigorously challenged a shareholder who insisted on SEC representation in the Syntax-Brilliant Bankruptcy Proceedings.

Mr. Ahmed Amr has asked the Court of Appeals to issue an injunction to GT to cease and desist from making any further assaults on my due process rights and the due process rights of similarly situated shareholders. I would also like the Court to issue an injunction to the SEC to protect my due process and immediately intervene in this Appeal to protect my due process rights.

I was entitled to an equal awards solution on par with Ahmed Amr. But because I was denied due process, I am entitled to treble damages. I believe the Court of Appeals has the inherent power and the discretion to fashion some kind of solution that is equitable for all shareholders similarly situated.

Finally, I would like to state that 2008 was a very bad year to lose my life savings. Because for the last seven years, my health has deteriorated. I am a diabetic who is recovering from a kidney transplant and I currently live on disability. I want the court to rule that I am incompetent to represent myself. Ahmed Amr cannot and does not represent me and he is unqualified to represent me and the 30,000 other swindled investors and he appears to be only representing his own claim even though he has alerted the Court of Appeals that my due process rights were repeatedly and consistently violated in the SBC Bankruptcy Proceedings.

I want the Court of Appeals to get what happened here. On one side of the fence is a 59 year old woman on disability from Seattle who has had her due process kicked to the curb for seven years in Bankruptcy Proceedings in Wilmington, Delaware. On the other side of the fence are the masters of the universe – Citibank, Silver Point (represented by Weil) and the Taiwan and Hong Kong syndicate represented by FTI and Greenberg Traurig. Presiding over the proceedings is a Bankruptcy Court that appears to be influenced by GT and Silver Point, a former client of the judge. Absent from the Court is the SEC.

What chance did I have in that Court before an unelected judge in a judicial forum where there was no jury of my peers? That was all the more reason for the Bankruptcy Court to be vigorous in protecting the rights of unrepresented shareholders especially after the Bankruptcy Court was fully informed of the SEC Evidence. That obviously didn't happen here because the Bankruptcy Court appears to have been vigorous in protecting the lawyers in his court from the consequences of their misconduct.

All the parties that have been mentioned will be noticed on this motion. They know exactly what happened pre-petition and post-petition. They certainly know more than I know and I suspect they know a lot more than what Ahmed Amr knows because the Bankruptcy Court consistently denied him discovery. All the parties noticed in this motion know that I was misinformed, unnoticed and unrepresented in the Delaware Bankruptcy Proceedings. They know I have interests in these proceedings and that this is the only jurisdiction that might be able to do something to help me recover some of my losses.

If the SEC and the Justice Department does not intervene to protect my due process rights at this critical stage, I want the Court of Appeals to tell me in plain English the correct jurisdiction for uninformed unrepresented shareholders to pursue cause of action against the SEC and the Justice Department.

As is plain from this letter, I am asking for the protection in this jurisdiction. At the minimum, I want the Court to determine whether my due process rights were violated and how they were violated.

I lost my life savings in a Bankruptcy Court where there was no jury of my peers. There are legitimate questions that have been raised in Appellant's brief about the integrity of the Syntax-Brilliant Bankruptcy Proceedings and the conduct of the Honorable Brendan Shannon. Those questions should be answered by a very transparent process where the outcomes of any investigation are made public. I think a clear message should be sent to the Honorable Brendan Shannon to prevent him from further abusing his position as Chief Judge of the Bankruptcy Court in Delaware.

So I move the Court to grant me any relief that will be equitable and just and to grant the other 30,000 shareholders similar relief.

Respectfully,

Denise Warren  
626 Main Street  
Edmonds, WA 98020

Date: 4/10/2015

